IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 8533 of 2004

Between:

Chinamani Rama krishna, S/o. Chintamani Sheshadri.
1241/2, Domalguda, Hyderabad-29.

..... PETITIONER

AND

1 Union of India, Rep. Minister for External Affairs,
New Delhi.
2 The secretary, Ministry of External Affairs,
New Delhi.
3 The regional Pass Port Officer, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring that the act of the respondents in not considering the petitioners case for correction of date of birth of entry to 14-12-1967 in place of 14-02-1967 in passport No. B2678028 as arbitrary, illegal and violative of Art. 14 and 21 of Constitution of India and consequently to direct the respondents to effect the such correction incorporating the correct date of birth as 14-12-1967 in passport No. B2678028 in the interest of justice.

Counsel for the Petitioner : MR.GOVARDHAN VENU

Counsel for the Respondents : MR.A.RAJASHEKAR REDDY Standing Counsel for Central Government.

The Court made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the Passport Issuing Authority, third respondent herein, in not considering his case for correction of date of birth of entry as 14.12.1967 in place of 14.2.1967 in his passport bearing No.B2678028 is illegal and arbitrary, and consequently direct the respondents to correct the date of birth of petitioner in the passport.

It is the case of the petitioner that he was born on 14.12.1967. In 1999, he applied for passport. The third respondent issued passport bearing No.B2678028 showing the date of birth of petitioner as 14.2.1967. Petitioner made representation dt.22.12.2003 to the respondent to change the date of birth in the passport, in vain. Hence, the present Writ Petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Central Government.

In ***Ali Imran v. Regional Passport Officer, Secunderabad***, I have considered the Circular dated 18-4-2001 issued by the Government of India in the Ministry of External Affairs pursuant to the judgment of the High Court of Judicature at Bombay in Civil Writ Petition No.1072 of 2000. The instructions/clarifications issued in the said Circular read as under.

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (passport issuing authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board

registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

In view of the above clarifications, I disposed of the said case observing as under.

Be it noted that under the provisions of the Passports Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bombay referred to hereinabove, it is now permissible for the Regional Passport Officer to accept applications for rectification/correction. Nonetheless, as per clause (c) above, if an entry had been made on the basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority the passport issuing authority is required to direct the applicant to obtain a proper declaration from the civil court.

In this case, the petitioner has produced Secondary School Certificate to prove that his correct date of birth is 14.12.1967. Therefore, the claim of the petitioner is well supported and squarely falls in Clause (a) of the Circular dated 18-4-2001.

Following the judgment of this Court in ***Ali Imran*** (supra), this writ petition is also disposed of directing the respondent to consider the representation of the petitioner along with the Secondary School Certificate No.387368 issued by the Secretary, Board of Secondary Education, Andhra Pradesh, and to pass appropriate orders in the light of the observations made in the above judgment. There shall be no order as to costs.

_____

(V.V.S.RAO, J.)

2.9.2004

bnr

To

1 Union of India, Rep. Minister for External Affairs,
New Delhi.
2 The secretary, Ministry of External Affairs,
New Delhi.
3 The regional Pass Port Officer, Hyderabad.

4. 2CD copies